# DISTRICT OF COLUMBIA

## *OFFICIAL CODE*

## 2001 EDITION

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Volume 8

Title 11

Organization and Jurisdiction of the Courts

to

Title 15

Judgments and Executions; Fees and Costs

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# PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2013.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and http://dcclims1.dccouncil.us/lims.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at http://www.dccouncil.us.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

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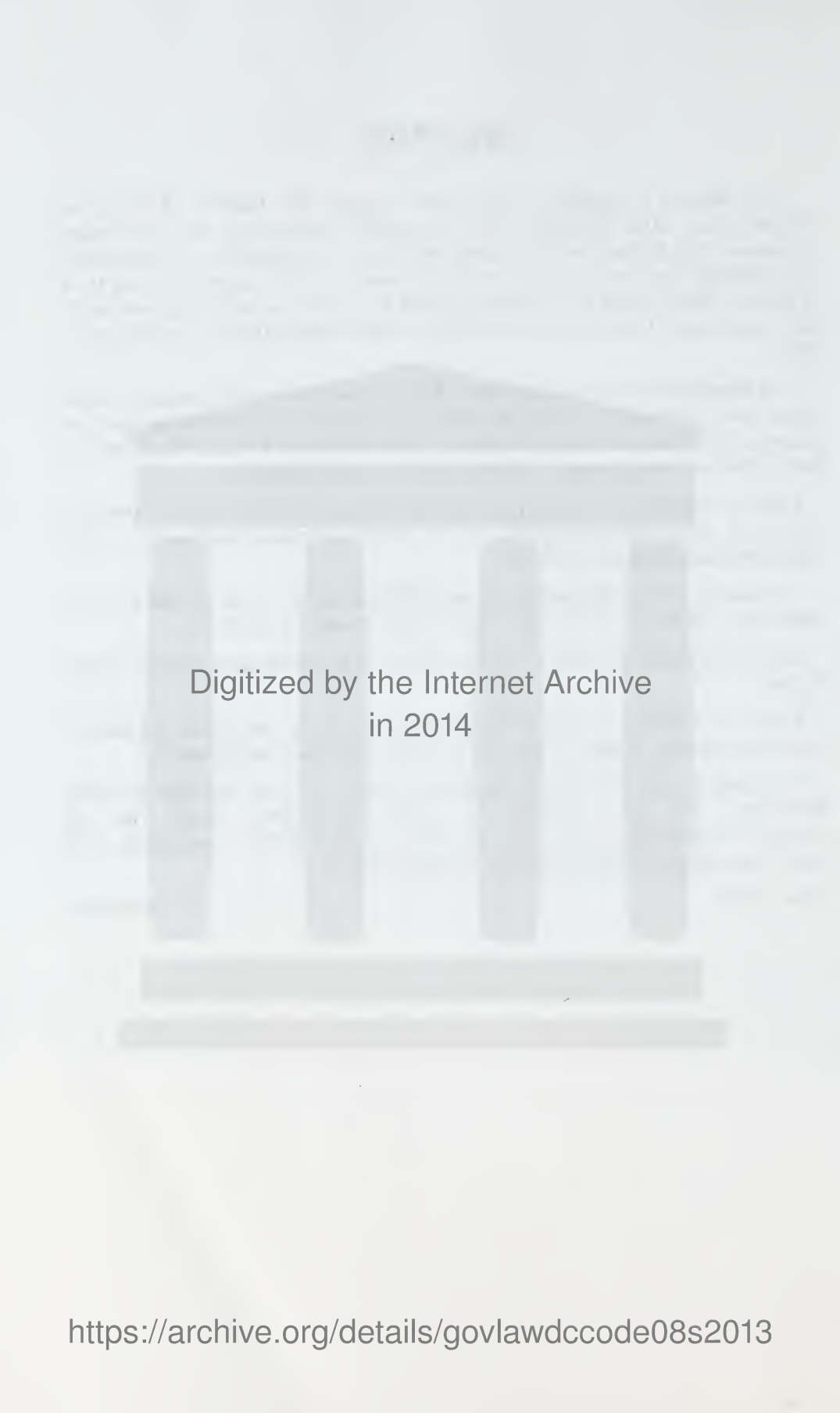

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Chapter
7. District of Columbia Court of Appeals.
9. Superior Court of the District of Columbia.
17. Administration of District of Columbia Courts.

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## Chapter 5. United States District Court for the District of Columbia.

### *Subchapter I. Jurisdiction.*

### § 11-502. Criminal jurisdiction.

**Section references.** — This section is referenced in § 11-923 and § 23-311.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

Federal And Local Jurisdiction In The District Of Columbia, 92 Yale Law Journal 292.

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## Chapter 7. District of Columbia Court of Appeals.

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### *Subchapter II. Jurisdiction.*

### § 11-723. Certification of questions of law.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

A View From the Loyal Opposition. Thomas F. Hogan, 66 Geo.Wash.L.Rev. 739 (1998).

Certification: (Over) due Deference? Karen Lecraft Henderson, 63 Geo.Wash.L.Rev. 637 (1995).

*Subchapter III. Miscellaneous Provisions.*

## § 11-744. Judicial conference.

The chief judge of the District of Columbia Court of Appeals shall summon biennially or annually the active associate judges of the District of Columbia Court of Appeals and the active judges and magistrate judges of the Superior Court of the District of Columbia to a conference at a time and place that the chief judge designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. The chief judge shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. Every judge and magistrate judge summoned shall attend, and, unless excused by the chief judge of the District of Columbia Court of Appeals, shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active participation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.

(Dec. 31, 1975, 89 Stat. 1102, Pub. L. 94-193, § 1(a); June 13, 1994, Pub. L. 103-266, § 1(b)(8), 108 Stat. 713; Dec. 12, 2012, 126 Stat. 1611, Pub. L. 112-229, § 2(a).)

**Effect of amendments.** — The 2012 amendment by Pub. L. 112-229, in the first sentence, substituted "biennially or annually" for "annually" and added "and magistrate judges"; and in the third sentence, substituted "Court of Appeals" for "Courts of Appeals" and added "and magistrate judge".

## § 11-745. Emergency authority to toll or delay proceedings.

(a) *Tolling or Delaying Proceedings.* —

(1) *In general.* — In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

(2) *Scope of authority.* — The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

(3) *Unavailability of chief judge.* — If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

(4) *Habeas corpus unaffected.* — Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

(b) *Issuance of Orders.* — The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

(c) *Duration of Orders.* — An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

(d) *Notice.* — Upon issuing an order under this section, the chief judge—

(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(e) *Required Reports.* — Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

(1) the reasons for issuing the orders;

(2) the duration of the orders;

(3) the effects of the orders on litigants; and

(4) the costs to the court resulting from the orders.

(f) *Exceptions.* — The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.

(Dec. 12, 2012, 126 Stat. 1611, Pub. L. 112-229, § 2(b)(2)(A).)

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## CHAPTER 9. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.

*Subchapter I. Continuation and Organization*



*Subchapter III. Miscellaneous Provisions*

*Subchapter I. Continuation and Organization.*

## § 11-908A. Special rules regarding assignment and service of judges of Family Court.

(a) *Number of judges.* —

(1) *In general.* — The number of judges serving on the Family Court of the Superior Court shall be not more than 15.

(2) *Emergency reassignment.* — If the chief judge determines that, in order to carry out the intent and purposes of the District of Columbia Family Court Act of 2001, an emergency exists such that the number of judges needed on the Family Court of the Superior Court at any time is more than 15—

(A) the chief judge may temporarily reassign judges from other divisions of the Superior Court to serve on the Family Court who meet the requirements of paragraphs (1) and (3) of subsection (b) or senior judges who meet the requirements of those paragraphs, except such reassigned judges shall not be subject to the term of service requirements set forth in subsection (c); and

(B) the chief judge shall, within 30 days of emergency temporary reassignment pursuant to subparagraph (A), submit a report to the President and Congress describing—

(i) the nature of the emergency;

(ii) how the emergency was addressed, including which judges were reassigned; and

(iii) whether and why an increase in the number of Family Court judges authorized in subsection (a)(1) may be necessary to serve the needs of families and children in the District of Columbia.

(3) *Composition.* — The total number of judges on the Superior Court may exceed the limit on such judges specified in § 11-903 to the extent necessary to maintain the requirements of this subsection if—

(A) the number of judges serving on the Family Court is less than 15; and

(B) the Chief Judge of the Superior Court—

(i) is unable to secure a volunteer judge who is sitting on the Superior Court outside of the Family Court for reassignment to the Family Court;

(ii) obtains approval of the Joint Committee on Judicial Administration; and

(iii) reports to Congress regarding the circumstances that gave rise to the necessity to exceed the cap.

(b) *Qualifications.* — The chief judge may not assign an individual to serve on the Family Court of the Superior Court or handle a Family Court case unless—

(1) the individual has training or expertise in family law;

(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under § 11-1504, individuals serving as temporary judges under § 11-908, and any other judge serving in

another division of the Superior Court who is reassigned on an emergency temporary basis pursuant to subsection (a)(2);

(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under § 11-1104(c); and

(4) the individual meets the requirements of section 433 of the District of Columbia Home Rule Act [D.C. Official Code § 1-204.33].

(c) *Term of service.* —

(1) *In general.* — Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 3 years.

(2) *Special rule for judges serving on Superior Court the date of the enactment of the District of Columbia Family Court Act of 2001 [January 8, 2002].* —

(A) *In general.* — An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 [January 8, 2002], shall serve for a term of not fewer than 3 years.

(B) *Reduction of period for judges serving in Family Division.* — In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001 [January 8, 2002], the 3-year term applicable under subparagraph (A) of this paragraph shall be reduced by the length of any period of consecutive service as a judge in such Division immediately preceding the date of the enactment of such Act [January 8, 2002].

(3) *Assignment for additional service.* — After the term of service of a judge of the Family Court (as described in paragraph (1)) expires, at the judge's request and with the approval of the chief judge, the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act [§ 1-204.31(c)]) as the chief judge may provide.

(4) *Permitting service on Family Court for entire term.* — At the request of the judge and with the approval of the chief judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act [§ 1-204.31(c)].

(d) *Reassignment to other divisions.* — The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that in the interest of justice the judge is unable to continue serving in the Family Court.

(Jan. 8, 2002, 115 Stat. 2101, Pub. L. 107-114, § 3(a); Aug. 2, 2002, 116 Stat. 847, Pub. L. 107-206, § 406; Dec. 12, 2012, 126 Stat. 1611, Pub. L. 112-229, § 4(a).)

**Section references.** — This section is referenced in § 11-908.

**Effect of amendments.**

The 2012 amendment by Pub. L. 112-229 substituted "3 years" for "5 years" in (c)(1).

**Editor's notes.**

Section 4(b) of Pub. L. 112-229 provided that the amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of the Act [Dec. 12, 2012].

## *Subchapter II. Jurisdiction.*

## § 11-921. Civil jurisdiction.

**Section references.** — This section is referenced in § 2-411, § 11-501, and § 16-601.

**CASE NOTES**

**Condemnation.**

Property owner's allegation that city council authorized an illegal exercise of eminent domain under false pretext did not deprive trial court of subject-matter jurisdiction over condemnation proceeding. Franco v. District of Columbia, 39 A.3d 890, 2012 D.C. App. LEXIS 125 (2012).

## *Subchapter III. Miscellaneous Provisions.*

## § 11-946. Rules of court.

**Section references.** — This section is referenced in § 16-701.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

Pre-trial Discovery Of Witness Lists: A Modest Proposal To Improve The Administration Of Criminal Justice In The Superior Court Of The District Of Columbia, 38 Catholic University Law Review 641.

## § 11-947. Emergency authority to toll or delay proceedings.

(a) *Tolling or Delaying Proceedings.* —

(1) *In general.* — In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

(2) *Scope of authority.* —

(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest,

pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

(3) *Unavailability of chief judge.* — If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

(4) *Habeas corpus unaffected.* — Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

(b) *Criminal Cases.* — In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

(c) *Issuance of Orders.* — The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

(d) *Duration of Orders.* — An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

(e) *Notice.* — Upon issuing an order under this section, the chief judge—

(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) *Required Reports.* — Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

(1) the reasons for issuing the orders;

(2) the duration of the orders;

(3) the effects of the orders on litigants; and

(4) the costs to the court resulting from the orders.

(g) *Exceptions.* — The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.

(Dec. 12, 2012, 126 Stat. 1611, Pub. L. 112-229, § 2(b)(1)(A).)

## CHAPTER 11. FAMILY COURT OF THE SUPERIOR COURT.

## § 11-1101. Jurisdiction of the Family Court.

**Section references.** — This section is referenced in § 11-741, § 11-902, § 11-944, § 11-1104, § 11-1732, § 11-1732A, § 16-924, § 16-2305, § 16-2331, § 16-2332, § 16-2341, § 16-2343, § 16-2344, § 16-2348, and § 46-206.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

The District Of Columbia's Joint Custody Presumption: Misplaced Blame And Simplistic Solutions, 46 Catholic University Law Review 767.

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## CHAPTER 17. ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS.

*Subchapter III. Duties and Responsibilities*



### *Subchapter II. Court Personnel.*

## § 11-1722. Director of Social Services.

**Section references.** — This section is referenced in § 16-2337.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

"The Unnecessary Detention of Children in the District of Columbia—Pre-initial hearing detention: Are the Police Department and Social Services intake following the law?." 3 The District of Columbia Law Review 193 (1995).

## § 11-1732. Magistrate judges.

**Section references.** — This section is referenced in § 11-1732A.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

The District Of Columbia's Introduction Of Hearing Commissioners Into An Overburdened Judicial System, 33 Howard Law Journal 383.

### *Subchapter III. Duties and Responsibilities.*

## § 11-1742. Property and disbursement.

(a) The Executive Officer shall be responsible, subject to the supervision of the Joint Committee, for the management of such buildings and space as may be assigned to the courts and shall maintain liaison with the appropriate Federal and District of Columbia officials with respect thereto.

(b) The Executive Officer shall be responsible for the procurement of necessary equipment, supplies, and services for the courts and shall have power, subject to applicable law, to reimburse the District of Columbia government for services provided and to contract for such equipment, supplies, and services as may be necessary.

(c) The Executive Officer shall serve as disbursing officer and payroll officer of the District of Columbia courts and shall assign and distribute necessary equipment and supplies.

(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.

(July 29, 1970, 84 Stat. 513, Pub. L. 91-358, title I, § 111; Dec. 7, 1970, 84 Stat. 1390, Pub. L. 91-530, § 2(a)(7); Aug. 5, 1997, 111 Stat. 752, Pub. L. 105-33, § 11242(d); Dec. 12, 2012, 126 Stat. 1611, Pub. L. 112-229, § 2(c)(1).)

**Effect of amendments.** — The 2012 amendment by Pub. L. 112-229 added (d).

**Editor's notes.** — Section 2(c)(2) of Pub. L. 112-229 provided that the amendment made by Pub. L. 112-229, § 2(c)(1).shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

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## CHAPTER 19. JURIES AND JURORS.

## § 11-1902. Definitions.

### LAW REVIEWS AND JOURNAL COMMENTARIES

A Fair Cross Section and Distinctiveness in the Jury Selection Plan for the District of Columbia. 32 Cath.U.L.Rev., 985, (1983).

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## CHAPTER 25. ATTORNEYS.

## § 11-2502. Censure, suspension, or disbarment for cause.

### LAW REVIEWS AND JOURNAL COMMENTARIES

No Stone Left Unturned: The Failure of Attorney Self-Regulation in the District of Columbia. Michael S. Frisch, 18 Geo. J. Legal Ethics 325 (2005).

# § 11-2503. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment.

## CASE NOTES

ANALYSIS

Determination of penalty.
Offenses involving moral turpitude.
—Extortion, offenses involving moral turpitude.
—Forgery and fraud offenses, offenses involving moral turpitude.
—Witness tampering, offenses involving moral turpitude.

**Determination of penalty.**

For purposes of attorney disciplinary proceedings, fact that attorney pled guilty to attempted rather than completed crimes involving moral turpitude did not warrant consideration of any sanction less than mandatory disbarment, as same requisite intent, as well as proof that he undertook substantial steps toward commission of crimes of which he was convicted, was necessary for conviction. In re Johnson, 48 A.3d 170, 2012 D.C. App. LEXIS 316 (2012).

**Offenses involving moral turpitude.**

**— Extortion, offenses involving moral turpitude.**

Attorney's conviction of extortion under the color of official right involved crime of moral turpitude per se, warranting disbarment; essence of offense, a public official obtaining payment to which he was not entitled, knowing that payment was made in return for official acts, involved baseness, vileness, or depravity in the private and social duties owed to attorney's fellow men or to society in general, and offense clearly required intentional dishonesty for personal gain. In re Johnson, 48 A.3d 170, 2012 D.C. App. LEXIS 316 (2012).

**— Forgery and fraud offenses, offenses involving moral turpitude.**

Disbarment of attorney who pled guilty to felony offense of knowingly and fraudulently making a false oath and account in relation to a bankruptcy petition was mandatory; crime of bankruptcy fraud inherently involved moral turpitude. In re Zodrow, 43 A.3d 943, 2012 D.C. App. LEXIS 164 (2012).

**— Witness tampering, offenses involving moral turpitude.**

Attorney's conviction of witness and evidence tampering involved crime of moral turpitude per se, warranting disbarment; essence of offense, purposefully destroying or concealing evidence, or attempting to do so, was contrary to justice and grave threat to due process of law. In re Johnson, 48 A.3d 170, 2012 D.C. App. LEXIS 316 (2012).

For purposes of attorney disciplinary proceeding, offense of witness tampering constituted offense of moral turpitude per se; conviction required proof of the knowing or intentional interference with the enforcement of law. In re Blair, 40 A.3d 883, 2012 D.C. App. LEXIS 281 (2012).

## LAW REVIEWS AND JOURNAL COMMENTARIES

Disbarment or Banishment? 32 Cath.U.L.Rev. 1038, (1983).

Disciplinary Action Against Attorneys for Crimes of Moral Turpitude. 31 How.L.J. 313 (1988).

No Stone Left Unturned: The Failure of Attorney Self-Regulation in the District of Columbia. Michael S. Frisch, 18 Geo. J. Legal Ethics 325 (2005).

# TITLE 12. RIGHT TO REMEDY.



## Chapter 3. Limitation of Actions.



## § 12-301. Limitation of time for bringing actions.

**Section references.** — This section is referenced in § 8-634.10, § 12-308, and § 28-3905.

### CASE NOTES

Analysis



**Accrual of right of action or defense.**

**— Labor and employment claims, accrual of right of action or defense.**

Claims by African-American members and officers of District of Columbia Fire and Emergency Medical Services (DCFEMS) appropriately arose under Civil Rights Act of 1991 where they alleged that District "interfered with the performance of an existing contract [and] denied the plaintiffs the benefits of their contract with the city," causing "a sever [sic] loss of pay and prestige," and fact they had to enforce their § 1981 claims through remedy outlined in § 1983 did not change effective statute of limitations period for cause of action from four to three years. Hamilton v. District of Columbia, 852 F.Supp.2d 139, 2012 U.S. Dist. LEXIS 47808 (2012).

District of Columbia's lulling doctrine applied to equitably toll the limitations periods, in former domestic employee's claims against former employers for unjust enrichment, breach of contract, and intentional infliction of emotional distress (IIED), until date that employee first contacted and began cooperating with FBI in criminal investigation against employers for human trafficking, where employee alleged that employers lulled her into inaction by exploiting her limited knowledge of English, misleading her about her rights under state law, confiscating her passport, and keeping her in isolation. Kiwanuka v. Bakilana, 844 F.Supp.2d 107, 2012 U.S. Dist. LEXIS 23093 (2012).

**Conflicts of law.**

Because § 1983 and the statute providing for recovery for neglect to prevent wrongs which a person knows are conspired to be performed do not have any built-in statute of limitations, courts in the District of Columbia apply the three-year statute of limitations imposed by D.C. law. Philogene v. District of Columbia, 2012 WL 1893580 (2012).

**Limitation applicable to action.**

**— Contracts in general, limitation applicable to action.**

Under District of Columbia law, university student's claims against university and university officials for breach of contract, breach of the duty of good faith and fair dealing, fraud in the inducement, intentional infliction of emotional distress, and negligent infliction of emotional distress, in connection with the non-renewal of his full wrestling scholarship, accrued, for limitations purposes, on date that student received letter informing him that his scholarship would not be renewed and that he had been removed from the wrestling team, rather than when his appeals to the university were denied.

Lopiccolo v. Am. Univ., 840 F.Supp.2d 71, 2012 U.S. Dist. LEXIS 1300 (2012).

**— Fraud, limitation applicable to action.**

Borrower knew or had reason to know of forged signature on loan application when she received loan that resulted from application, thereby triggering three-year statute of limitations, under District of Columbia law, for borrower to bring fraud claim against mortgage brokerage and its broker. Pricer v. Deutsche Bank, 842 F.Supp.2d 162, 2012 U.S. Dist. LEXIS 13509 (2012).

**— Labor and employment claims, limitation applicable to action.**

Appropriate statute of limitations for former District of Columbia (DC) employee's disability discrimination claims against DC under Rehabilitation Act, which did not specify the applicable limitations period, was the one-year limitations period set out in District of Columbia's Human Rights Act (HRA) for claims of unlawful discrimination, as opposed to default choice of DC's three-year limitations period for personal injury claims; a Rehabilitation Act claim was far more similar to an HRA claim than it was to an ordinary personal injury claim, and borrowing HRA's limitations period would not stymie policies underlying Rehabilitation Act. Jaiyeola v. District of Columbia, 40 A.3d 356, 2012 D.C. App. LEXIS 135 (2012).

**— Legal malpractice, limitation applicable to action.**

Additional discovery was warranted prior to ruling on motions for summary judgment filed by law firms and attorneys in legal malpractice action asserting that clients' claims based on their failure to file translation of their patent application were barred by statute of limitations, where clients claimed that did not have any knowledge of any injury resulting from attorneys' failure to file until, at earliest, date on which Federal Circuit denied their petition for panel rehearing, and parties had yet to engage in discovery. Seed Co. v. Westerman, 840 F.Supp.2d 116, 2012 U.S. Dist. LEXIS 1222 (2012).

**Tolling.**

Dismissal with prejudice of juvenile plaintiffs' common law claims, under District of Columbia law, arising from police officers' alleged use of batons against the plaintiffs, was not warranted; although plaintiffs erroneously conceded that the juveniles' claims were time-barred, the limitations period for those claims was tolled until juveniles reached age of majority, so that dismissal without prejudice was appropriate. Rudder v. Williams, 666 F.3d 790, 2012 U.S. App. LEXIS 910 (C.A.D.C. 2012).

**LAW REVIEWS AND JOURNAL COMMENTARIES**

A Fistful Of Lawsuits: The Press, The First Amendment,and Section 43(A) Of The Lanham Act, 88 California Law Review 127.

Case Law Developments, 18 Mental & Physical Disability Law Reporter 486.

Wilson v. Johns-Manville Sales Corp. and Statutes of Limitations in Latent Injury Litigation: An Equitable Expansion of the Discovery Rule. 32 Cath.U.L.Rev.471 (1983).

## § 12-302. Disability of plaintiff.

**Section references.** — This section is referenced in § 12-308.

**CASE NOTES**

**Infancy.**

Dismissal with prejudice of juvenile plaintiffs' common law claims, under District of Columbia law, arising from police officers' alleged use of batons against the plaintiffs, was not warranted; although plaintiffs erroneously conceded that the juveniles' claims were time-barred, the limitations period for those claims was tolled until juveniles reached age of majority, so that dismissal without prejudice was appropriate. Rudder v. Williams, 666 F.3d 790, 2012 U.S. App. LEXIS 910 (C.A.D.C. 2012).

**LAW REVIEWS AND JOURNAL COMMENTARIES**

Practice And Pleadings, 31 Catholic University Law Review 841.

# § 12-309. Actions against District of Columbia for unliquidated damages; time for notice.

**Section references.** — This section is referenced in § 1-615.54, § 2-413, and § 2-424.

## CASE NOTES

ANALYSIS



**Accrual of claim.**

District of Columbia (DC) did not waive affirmative defenses, based on notice requirements and statutes of limitations, to former employee's disability discrimination claims under Rehabilitation Act and DC's Human Rights Act (HRA) by failing to assert either defense in answer to amended complaint and instead waiting two years before raising defenses for the first time in DC's summary judgment motion; employee had and exercised a full and fair opportunity to respond to DC's tardy invocation of those defenses and was therefore not prejudiced. Jaiyeola v. District of Columbia, 40 A.3d 356, 2012 D.C. App. LEXIS 135 (2012).

**Contents of notice.**

**— Cause and circumstances, contents of notice.**

Cause element for report written by Metropolitan Police Department (MPD) to satisfy statutory notice requirement requires that written notice or police report disclose both factual cause of injury and reasonable basis for anticipating legal action as consequence, and even if report does not assert right to recovery, it will suffice if it describes injuring event with sufficient detail to reveal, in itself, basis for District's potential liability; circumstances prong is satisfied if there is enough information for District to conduct prompt, properly focused investigation of claim. Jones v. District of Columbia, 2012 WL 3024970 (2012).

**— Sufficiency generally, contents of notice.**

While lesbian officers' reports filed with Metropolitan Police Department (MPD), MPD Medical Service Division memoranda written in response to reports, and Internal Affairs Division (IAD) investigative records created in response to officers' internal EEO complaints qualified as reports "in regular course of duty," content of those reports did not, individually or collectively, provide sufficient notice to Mayor of cause or circumstances underlying claims for unliquidated damages under District of Columbia Human Rights Act (DCHRA) based on sex discrimination and sexual orientation discrimination regarding officer's nonpromotion; however, officers could still seek liquidated damages, including back pay, under those counts. Jones v. District of Columbia, 2012 WL 3024970 (2012).

Former employee who sought nonliquidated damages for pain and suffering in disability discrimination claims against District of Columbia (DC) under DC's Human Rights Act (HRA) was not relieved from HRA's notice requirements on basis that he named the Public Service Commission (PSC), for which he had worked as pipeline safety engineer, as a defendant; Congress had not created the PSC as an entity separate and apart from the DC government or given the PSC the general power to sue or be sued in its own name. Jaiyeola v. District of Columbia, 40 A.3d 356, 2012 D.C. App. LEXIS 135 (2012).

**Necessity of notice.**

African-American members and officers of District of Columbia Fire and Emergency Medical Services (DCFEMS) were not exempt from statutory notice requirement for purposes of their claim for intentional infliction of emotional distress, a creation of D.C. common law. Hamilton v. District of Columbia, 852 F.Supp.2d 139, 2012 U.S. Dist. LEXIS 47808 (2012).

**Review.**

The Court of Appeals would review de novo, on former District of Columbia (DC) employee's appeal from summary judgment on his disability discrimination claims against DC, whether his claims were time-barred, whether statutory notice requirements prevented him from presenting claims under Human Rights Act (HRA) for liquidated damages, whether those notice requirements prevented him from suing Public Service Commission (PSC) of DC, as distinct from DC, and whether record supported DC's position that employee could not establish that he was disabled or regarded as disabled. Jaiyeola v. District of Columbia, 40 A.3d 356, 2012 D.C. App. LEXIS 135 (2012).

**Timeliness of notice generally.**

Employees of District of Columbia Child and

Family Services Agency failed to comply with statutory notice requirements for claims against District of Columbia, where employees notified Mayor's office of claims against Agency for violations of District of Columbia Human Rights Act after filing lawsuit. Peters v. District of Columbia, 2012 WL 1255139 (2012).

Student's common law claims against District of Columbia for negligent supervision, negligent hiring and retention, intentional infliction of emotional distress, and breach of fiduciary duty were barred by her failure to provide timely notice to District, compliance with which was mandatory prerequisite for everyone with tort claim against District of Columbia. Blue v. Dist. of Columbia, 850 F.Supp.2d 16, 2012 U.S. Dist. LEXIS 31460 (2012).

**LAW REVIEWS AND JOURNAL COMMENTARIES**

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## § 12-310. Actions arising out of death or injury caused by defective or unsafe improvements to real property.

**LAW REVIEWS AND JOURNAL COMMENTARIES**

The District Of Columbia's Architects' And Builders' Statute Of Repose: Its Application And Need For Amendment. 34 Cath.U.L.Rev. 919,(1985)..

## § 12-311. Actions arising out of death or injury caused by exposure to asbestos.

(a) In any civil action for injury or illness based upon exposure to asbestos, the time for the commencement of the action shall be the later of the following:

(1) Within one year after the date the plaintiff first suffered disability;

(2) Within one year after the date the plaintiff either knew, or through the exercise of reasonable diligence should have known, that the disability was caused or contributed to by the exposure; or

(3) Three years from the time the right to maintain the action accrues.

(b) "Disability" as used in subsection (a) of this section means the loss of time from work as a result of the exposure that precludes the performance of the employee's regular occupation.

(c) In an action for the wrongful death of any plaintiff's decedent, based upon exposure to asbestos, the time for commencement of an action shall be the later of the following:

(1) Within 2 years from the date of the death of the plaintiff's decedent; or

(2) Within 2 years from the date the plaintiff first knew, or through the exercise of reasonable diligence should have known, that the death was caused or contributed to by the exposure.

(Feb. 28, 1987, D.C. Law 6-202, § 5, 34 DCR 527; June 3, 2011, D.C. Law 18-377, § 3, 58 DCR 1174; Oct. 22, 2012, D.C. Law 19-177, § 2, 59 DCR 9353.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-177 substituted "2 years" for "one year" in (c)(1) and (c)(2).

**Legislative history of Law 19-177.** — Law 19-177, the "Wrongful Death Act of 2012," was introduced in Council and assigned Bill No. 19-717. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on July

25, 2012, it was assigned Act No. 19-416 and transmitted to Congress for its review. D.C. Law 19-177 became effective on Oct. 22, 2012.

# TITLE 13. PROCEDURE GENERALLY.

## Chapter 3. Process and Parties.

### *Subchapter II. Service of Process; Legal Representatives.*

## § 13-334. Service on foreign corporations.

**CASE NOTES**

Analysis

Doing business in District.
—In general.
Jurisdiction.

**Doing business in District.**

**— In general.**

Nonresident pain pump manufacturer was "doing business" within District of Columbia, and its business contacts within District were "continuous and systematic," and thus District of Columbia district court had general personal jurisdiction over manufacturer under District of Columbia's long-arm statute in shoulder surgery patient's products liability action against manufacturer, where manufacturer had established and benefited from partnership with hospital in District, devoted entire sales region to sales in Washington, D.C., profited from sales of its pain pumps to Washington, D.C. hospitals, and obtained expert medical consulting services of Washington, D.C. medical facilities and physicians. Marshall v. I-Flow, LLC, 2012 WL 1372103 (2012).

Virginia-based competitor's actions did not constitute the kind of "continuous and systematic" business contact necessary to establish that it was "doing business" in the District of Columbia in such a manner that it would expect to be hauled into court in the District for its actions; competitor of restaurant chain conducted no business on or through its informational websites which were accessible from the District, and competitor's consideration of a possible business expansion into the District consisted of one isolated phone call. Marshall v. I-Flow, LLC, 2012 WL 1372103 (2012).

**Jurisdiction.**

Lender's parent corporation had no meaningful relationship with the District of Columbia, as required for exercise of general jurisdiction over the corporation, under the District of Columbia's long-arm statute, in borrower's putative class action asserting claims arising out of lender's sub-prime lending practices, where it was headquartered in Virginia and organized under Virginia law, all its substantive decisions, including financial transactions, were made in Virginia, substantially all of its activities were performed in Virginia, and it never maintained a place of business or office, owned any property, or maintained a registered agent in the District of Columbia. Khatib v. Alliance Bankshares Corp., 846 F.Supp.2d 18, 2012 U.S. Dist. LEXIS 27020 (2012).

## Chapter 4. Civil Jurisdiction and Service Outside the District of Columbia.

### *Subchapter II. Bases of Personal Jurisdiction over Persons Outside the District of Columbia.*

## § 13-422. Personal jurisdiction based upon enduring relationship.

**CASE NOTES**

**Discovery.**

Under District of Columbia law, owner of copyright in adult film was not entitled to jurisdictional discovery to discover identities of

1,434 John Doe defendants who allegedly used torrent network to unlawfully download and upload film in violation of Copyright Act, absent showing that owner had good faith belief that any particular individual defendants were domiciled in District of Columbia. West Coast Prods. v. Doe, 280 F.R.D. 73, 2012 U.S. Dist. LEXIS 13511 (2012).

## § 13-423. Personal jurisdiction based upon conduct.

**Section references.** — This section is referenced in § 48-804.02.

### CASE NOTES

ANALYSIS



**Agents, generally.**

The District Court for the District of Columbia lacked personal jurisdiction over Secretary of the Indiana Family and Social Services Administration, under either the Due Process Clause or the District of Columbia's long-arm statute, in pro se Medicare recipient's action challenging Medicare's failure to cover cost of her prescription medications; the Secretary was sued only in her official capacity as state official, she did not reside or transact business in the District of Columbia, and even if Secretary had a duty to administer federal funds allegedly owed to recipient, she did so in Indiana on behalf of an Indiana state agency for Indiana residents. Donnelly v. Sebelius, 851 F.Supp.2d 109, 2012 U.S. Dist. LEXIS 44343 (2012).

**Conspiracy.**

Buyer of company that produced test to screen for Methicillin Resistant Staphylococcus aureus bacteria (MRSA) failed to plead conspiracy between selling shareholders and attorney with particularity, as required to establish conspiracy jurisdiction under District of Columbia's long-arm statute; beyond alleging that attorney represented selling shareholders, there were no facts or fair inferences from facts to support element of an agreement between parties to participate in an unlawful act. 3M Co. v. Boulter, 842 F.Supp.2d 85, 2012 U.S. Dist. LEXIS 12860 (2012), appeal dismissed by 2012 U.S. App. LEXIS 24828 (D.C. Cir. Oct. 19, 2012), amended by 2012 U.S. Dist. LEXIS 151231 (D.D.C. Oct. 22, 2012).

**Contracts to supply services.**

**— Attorneys, contracts to supply services.**

Florida client was not subject to personal jurisdiction in District of Columbia in law firm's breach of contract action, even though client hired lawyers from firm's office in District and contemplated that work would be performed in District, where subject matter of engagement was Oregon proceeding, client provided no evidence of any meetings in District or telephone conversations with layers in District concerning Oregon engagement after contract was signed, and engagement lasted less than one year. Thompson Hine LLP v. Smoking Everywhere, Inc., 840 F.Supp.2d 138, 2012 U.S. Dist. LEXIS 1676 (2012).

Florida client was not subject to personal jurisdiction District of Columbia in law firm's breach of contract action, even though client entered into retainer agreement to have firm represent it in dispute with Food and Drug Administration (FDA), even though attorneys in District worked on matter, where firm was Ohio partnership, retainer agreement was on firm letterhead bearing Georgia address, client did not come to District to meet with District lawyers without lawyer from Georgia office, and Georgia lawyer expanded team into District by calling upon attorneys he selected to "assist" him on matter. Thompson Hine LLP v. Smoking Everywhere, Inc., 840 F.Supp.2d 138, 2012 U.S. Dist. LEXIS 1676 (2012).

**Corporations.**

**— In general.**

Allegations that parent telecommunications company was responsible for establishing revenue targets, operational goals and guidelines, customer acquisition and support strategies for local telecommunications companies, and that consumer attempted to contact parent company to resolve billing issue, were insufficient to

demonstrate that parent company directed any activity into the District of Columbia related to consumer's claims, as required to establish a basis for specific jurisdiction over parent company under District of Columbia's long arm statute. Mazza v. Verizon Wash. DC, Inc., 852 F.Supp.2d 28, 2012 U.S. Dist. LEXIS 43314 (2012).

Plaintiffs alleged sufficient facts to show that individuals who were directors of nonprofit corporation had purposefully availed themselves of District of Columbia law, such that the Superior Court could exercise personal jurisdiction over individuals pursuant to the District of Columbia's long-arm statute, notwithstanding the fiduciary-shield doctrine, in an action against them for, inter alia, breach of trust and breach of fiduciary duties; individuals were directors of corporation, which was established under the District of Columbia Nonprofit Corporation Act and did not have members, and were collectively vested with the exclusive right to vote on all matters affecting corporation and the responsibility to regulate corporation's internal affairs, and individuals allegedly did not act to further corporation's business but, instead, acted in contravention of corporation's purpose and exclusively for their individual benefit. The Federation for World Peace and Unification International, et al. v. Moon, et al., 140 WLR 1605 (Super. Ct. 2012).

**Exceptions.**

**— Government contacts, exceptions.**

Unsupported allegations that a nonresident defendant has fraudulently induced unwarranted government action against the plaintiff will not be sufficient to invoke the fraud exception to the government contacts doctrine, pursuant to which entry into the District of Columbia by nonresidents for the purposes of contacting federal government agencies is not a basis for the assertion of in personam jurisdiction; rather, only those allegations that meet the requirements for pleading fraud under pleading rule for fraud claims or its federal counterpart will be sufficient to confer personal jurisdiction in the District. Companhia Brasileira Carbureto De Calcio v. Applied Indus. Materials Corp., 35 A.3d 1127, 2012 D.C. App. LEXIS 9 (2012).

**General or specific jurisdiction.**

Shoulder surgery patient's product liability claims against nonresident manufacturer of pain pump did not arise from manufacturer's conduct in District of Columbia, and thus District of Columbia district court lacked specific personal jurisdiction over manufacturer under District's long-arm statute, where patient's surgeries and subsequent treatments had been performed in New York, and manufacturer's marketing activities within District of Columbia, if any, had no connection with patient's negligence claim. Marshall v. I-Flow, LLC, 2012 WL 1372103 (2012).

Court could not exercise either general or specific personal jurisdiction over deputy prosecutor for a Kazakhstan city, former head of an investigation group of Kazakhstan's Interior Ministry, a deputy to the head of the Investigation Directorate of Kazakhstan's Agency on Economic Crimes and Corruption (Finpol), the deputy head of Kazakhstan city detention center or a senior officer of the detention center in suit brought by two Kazakhstani citizens and three United States corporations under the Alien Tort Statute; nowhere in complaint did plaintiffs allege any facts showing that those individual officials had any, let alone "continuous and systematic," contact with the United States, and there were no allegations that officials in any way directed their activities in investigating, prosecuting, detaining individual plaintiffs toward the United States. Marshall v. I-Flow, LLC, 2012 WL 1372103 (2012).

**Minimum contacts.**

**— In general.**

For-profit vocational college's contacts with District of Columbia consisted solely in participating in federal financial aid programs through the Department of Education, and therefore, were insufficient pursuant to government contacts exception to District of Columbia long-arm statute to establish personal jurisdiction in District over college in students' putative class action alleging violations of the Equal Credit Opportunity Act, Title VI, and the Virginia Consumer Protection Act; college only had contact with District in order to deal with a federal instrumentality and had no other contacts. Morgan v. Richmond School of Health and Technology, Inc., 2012 WL 1476062 (2012).

District of Columbia court lacked personal jurisdiction over nonresident borrower in lender's action to recover money due under promissory note, even if borrower had made payments to lender across interstate lines while lender resided in District of Columbia, where borrower had never been domiciled in District of Columbia, borrower's principal place of business had not been in District of Columbia, and lender had not loaned money to borrower within District of Columbia, nothing in promissory notes referred to District of Columbia, and promissory notes contained California and Texas addresses for parties and stated that notes were to be governed and interpreted under laws of State of Texas. Atwal v. Myer, 841 F.Supp.2d 364, 2012 U.S. Dist. LEXIS 11539 (2012).

**Transacting business.**

**— Establishing jurisdiction, transacting business.**

Lender's parent corporation did not transact business in the District of Columbia, as re-

quired for exercise of specific jurisdiction over the corporation, under the District of Columbia's long-arm statute, in borrower's putative class action asserting claims arising out of lender's sub-prime lending practices, where the dispute was between Virginia residents over real property located in Virginia and agreements that were negotiated, executed, and performed in Virginia. Khatib v. Alliance Bankshares Corp., 846 F.Supp.2d 18, 2012 U.S. Dist. LEXIS 27020 (2012).

**— Presence within District, transacting business.**

Virginia-based competitor's actions did not constitute "transacting business" or causing a tortious injury within District of Columbia within meaning of District's long-arm statute; there was no evidence that competitor of restaurant chain regularly did or solicited business or engaged in any other persistent course of conduct in the District, as competitor conducted no business on or through its informational websites which were accessible from the District, and its consideration of a possible business expansion into the District consisted of one isolated phone call. Sweetgreen, Inc. v. Sweet Leaf, Inc., 2012 WL 975415 (2012).

## LAW REVIEWS AND JOURNAL COMMENTARIES

Personal Jurisdiction, Federalism, and Disciplinary Proceedings: Determining the Exposure to Suit Through Official Actions, 64 Geo.Wash.L.Rev. 906 (1996).

The Government Contacts Exception to the District of Columbia Long-Arm Statute: Portrait of a Legal Morass. 36 Cath.U.L.Rev. 745 (1987).

# TITLE 14. PROOF.

## Chapter 1. Evidence Generally; Depositions.

### § 14-102. Impeachment of witnesses.

**CASE NOTES**

Analysis

Inconsistent statements.
—Effect of impeachment by inconsistent statements.

**Inconsistent statements.**

**— Effect of impeachment by inconsistent statements.**

Defendant was not substantially prejudiced at a firearms trial by any impropriety in prosecutor's delay in disclosing mistaken testimony of police officer at a preliminary hearing that he was told by another officer that defendant had slid a firearm underneath a fence, such that trial court could deny defendant's motion for a mistrial based on the delay, which comprised a few hours starting when prosecutor realized that officer had mistakenly testified and ending when officer testified for the defense at trial that the other officer had told him that defendant had thrown the firearm over the fence; officer's reversal of his testimony under oath made officer appear careless and unreliable, defense counsel immediately and effectively responded to the changed testimony by impeaching officer and forcefully argued in closing that officer's testimony by itself created reasonable doubt, officer's prior testimony came in as substantive evidence to impeach other officer's testimony, and defendant's defense did not stand up to reason and would not have been any stronger in the absence of officer's testimony. Thompson v. United States, 45 A.3d 688, 2012 D.C. App. LEXIS 298 (2012).

## Chapter 3. Competency of Witnesses.

### § 14-307. Physicians and mental health professionals.

**Section references.** — This section is referenced in § 4-1321.02, § 4-1321.05, § 4-1371.12, § 7-1911, § 16-2359, § 16-2388, § 34-1802, and § 47-368.02.

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 301 of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (b), see § 301 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

# TITLE 15. JUDGMENTS AND EXECUTIONS; FEES AND COSTS.

## Chapter 1. Judgments and Decrees.

### § 15-102. Lien of judgment, decree, or forfeited recognizance.

**Section references.** — This section is referenced in § 42-1210.

**CASE NOTES**

**Decree for the payment of money.**

Certified copy of the docket sheet in a Landlord Tenant Court case, that showed that a money judgment had been entered, constituted a "decree for the payment of money" within meaning of judgment lien statute, and therefore the filing and recordation in the Office of the Recorder of Deeds of a certified copy of the docket sheet by the judgment creditor sufficed to create a lien on the real property of an individual against whom the Landlord and Tenant Court had entered a money judgment; docket entry was a separately dated item, demarcating it as distinct from the other 39 entries on the docket sheet, entry contained no recital of pleadings and no history or record of prior proceedings, entry stated plainly in whose favor the judgment was entered and, since it appeared on a docket sheet bearing the caption of the case, anyone reading entry could have seen against whom the judgment was entered. Robinson v. Georgetown Court Condo., LLC, 39 A.3d 1286, 2012 D.C. App. LEXIS 131 (2012).

### § 15-108. Interest on judgment for liquidated debt.

**CASE NOTES**

Analysis

Foreign judgments.
Prejudgment interest.

**Foreign judgments.**

District court's failure to award postjudgment interest, in judgment confirming foreign arbitral award, under Federal Arbitration Act and New York Convention, and holding foreign judgment enforceable, under District of Columbia's Uniform Foreign-Money Judgments Recognition Act (UFMJRA), was "mistake arising from oversight or omission," within meaning of rule authorizing relief from judgment or order, since foreign judgment creditor was statutorily entitled to award of postjudgment interest, and making that determination did not require revisiting merits of judgment creditor's claim. Cont'l Transfert Technique, Ltd. v. Fed. Gov't of Nig., 850 F.Supp.2d 277, 2012 U.S. Dist. LEXIS 41292 (2012).

**Prejudgment interest.**

Principles of equity did not entitle parent of minor child to prejudgment interest under District of Columbia law after she had prevailed in her IDEA case against the District of Columbia, where District of Columbia did not seek to deny the parent recovery of attorney fees, but instead disagreed as to the appropriate amount of compensation, and attorney fees invoices were paid promptly with certain adjustments based on the District's belief that the fees were unreasonable. Garvin v. Gov't of the Dist. of Columbia, 851 F.Supp.2d 101, 2012 U.S. Dist. LEXIS 45720 (2012).

Foreign judgment creditor's mere inclusion of request for prejudgment interest in complaint seeking to enforce foreign arbitral award, under Federal Arbitration Act and New York Convention, and to enforce, under District of Columbia's Uniform Foreign-Money Judgments Recognition Act (UFMJRA), foreign judgment confirming arbitral award as final and enforceable, did not permit judgment creditor to include request in motion to correct clerical mistake or mistake arising from oversight or omission in district court's judgment confirming award and holding foreign judgment enforceable, since district court's judgment was silent about prejudgment interest and accurately reflected court's decision, so judgment

creditor was required to pursue request through motion to alter or amend judgment. Cont'l Transfert Technique, Ltd. v. Fed. Gov't of Nig., 850 F.Supp.2d 277, 2012 U.S. Dist. LEXIS 41292 (2012).

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## CHAPTER 5. EXEMPTIONS AND TRIAL OF RIGHT TO SEIZED PROPERTY.

### *Subchapter I. Exemptions.*

## § 15-501. Exempt property of householder; property in transitu; debt for wages.

**Section references.** — This section is referenced in § 15-502 and § 20-904.

**CASE NOTES**

ANALYSIS

Household goods.
Limitations.

**Household goods.**

Chapter 7 debtors had to turn over to trustee household goods which they had lumped together in claiming them as exempt under District of Columbia statute, which permitted exemption of "debtor's interest, not to exceed $425 in value, in any particular item or $8,625 in aggregate value" in household goods, but had valued at amount exceeding $425, without claiming exemption amounts for individual items, although debtors were entitled to recover exemptible amount out of proceeds of such property. In re Wade, 466 B.R. 20, 2012 Bankr. LEXIS 543 (2012).

**Limitations.**

Under District of Columbia statute allowing debtor to exempt debtor's aggregate interest in any property, not to exceed $850 in value, plus up to $8,075 of any unused amount of exemption for debtor's aggregate interest in real property used as debtor's residence, debtors' exemption was limited to $850 for each debtor after debtors claimed as exempt entire amount of their equity in residence, as well as their nonequity interests in property, leaving no unused portion of their exemption for their residential property. In re Wade, 466 B.R. 20, 2012 Bankr. LEXIS 543 (2012).